IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8139 OF 2005

Gorakhnath Krishnaji Sartape .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Subodh Desai with Jameela Damani for applicant

Mr.K.V.Saste, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 19th December 2005.

P.C.

. Heard Mr.Desai for applicant and Mr.Saste, A.P.P. for State. Present applicant is arrayed as accused in C.R.No.425 of 2005

registered with Chatushringi Police Station for offences punishable under section 406, 420, 120B of I.P.C. He came to be arrested on 29th September 2005. He was remanded to police custody till 10th October 2005 and thereafter he is in magisterial custody. Applicant is 72 years of age and it is alleged that along with others he has induced some 40-45 young persons by assuring them that they would get jobs in Air India. Allegation is that huge amounts have been collected by making false representations. Case against present applicant is that he has collected some amounts and handed them over to one Vijaya Laxmi as well as Anthony Pawar co accused. Apart from that Mr.Saste states that even this applicant has received some amount.

2. In my view, considering the peculiar facts as well as age of applicant, his further custody is not necessary. Learned Counsel pointed out to me that in the present application

as well as in the application before the trial court, he has categorically stated that he is willing to render all such assistance as the prosecution may seek in this matter. As far as applicant is concerned, direct assurances were not given but they were given on behalf of Vijaya Laxmi and Anthony Pawar. In the light of this, following order:-

i) Applicant is released on bail in connection with C.R.No.425 of 2005 registered with Chatushringi Police Station, Pune in the sum of Rs.10,000/- with one surety in the like amournt.

ii) Applicant shall report to Chatushringi Police station once in a week on every Thursday between 5.00 p.m. and 7.00 p.m. till the trial is concluded.

iii) Applicant shall not directly or indirectly make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application disposed of.

vii) All concerned to act on an

authenticated copy of this order.

(S.C.DHARMADHIKARI, J)